

Message Text

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12

ORIGIN AF-18

INFO OCT-01 ARA-16 EUR-25 EA-11 NEA-11 IO-14 ISO-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-04 RSC-01 PRS-01 SPC-03 SS-20 USIA-15 SAM-01 /174 R

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AF/RA:MR. NAVEZ

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R 122302Z FEB 74

FM SECSTATE WASHDC

TO AMEMBASSY TRIPOLI

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY BRUSSELS

AMEMBASSY OTTAWA

AMEMBASSY COPENHAGEN

AMEMBASSY ATHENS

AMEMBASSY ANKARA

AMEMBASSY REYKJAVIK

AMEMBASSY BONN

AMEMBASSY OSLO

AMEMBASSY LISBON

AMEMBASSY LUXEMBOURG

AMCONSUL AMSTERDAM

USMISSION USUN NEW YORK

AMEMBASSY TUNIS

AMEMBASSY RABAT

USINT ALGIERS

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USINT CAIRO

AMEMBASSY MADRID
AMEMBASSY PANAMA
AMEMBASSY MONROVIA
AMEMBASSY ADDIS ABABA
AMEMBASSY MOSCOW
AMEMBASSY BELGRADE
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO
USMISSION NATO

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E.O. 11652: N/A

TAGS: PBOR, LY

SUBJECT: LARG CLAIM TO GULF OF SIRTE

1. FOLLOWING IS TEXT OF NOTE WHICH DEPARTMENT DELIVERED
TO LIBYAN EMBASSY, WASHINGTON ON FEBRUARY 11, 1974:

2. QUOTE THE DEPARTMENT OF STATE ACKNOWLEDGES RECEIPT OF
THE NOTE DATED OCTOBER 11, 1973, FROM THE EMBASSY OF THE
LIBYAN ARAB REPUBLIC AND REFERS TO THE LIBYAN ARAB REPUB-
LIC'S ASSERTION OF A CLAIM TO THE GULF OF SIRTE AS INTER-
NAL OR TERRITORIAL WATERS AS SET FORTH IN THAT NOTE, AND
THE LIBYAN MINISTRY OF FOREIGN AFFAIRS NOTE VERBALE OF
NOVEMBER 25, 1973.

3. QUOTE THE UNITED STATES GOVERNMENT HEREBY INFORMS THE
LIBYAN GOVERNMENT THAT IN THE VIEW OF THE UNITED STATES
THE LIBYAN CLAIM TO THE GULF OF SIRTE AS LIBYAN TERRITORIAL
OR INTERNAL WATERS IS UNACCEPTABLE AS A VIOLATION OF
INTERNATIONAL LAW. THE LIBYAN ACTION PURPORTS TO EXTEND
THE BOUNDARY OF LIBYAN WATERS IN THE GULF OF SIRTE NORTH-
WARD TO A LINE APPROXIMATELY 300 MILES LONG AT A LATITUDE
OF 32 DEGREES, 30 MINUTES, AND TO REQUIRE PRIOR PERMISSION
FOR FOREIGN VESSELS TO ENTER THAT AREA. UNDER INTERNATION-
AL LAW, AS CODIFIED IN THE 1958 CONVENTION ON THE TERRI-
TORIAL SEA AND CONTIGUOUS ZONE, THE BODY OF WATER
ENCLOSED BY THIS LINE CANNOT BE REGARDED AS THE JURIDICAL
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INTERNAL OR TERRITORIAL WATERS OF THE LIBYAN ARAB REPUBLIC.
NOR DOES THE GULF OF SIRTE MEET THE INTERNATIONAL LAW
STANDARDS OF PAST OPEN, NOTORIOUS AND EFFECTIVE EXERCISE
OF AUTHORITY, CONTINUOUS EXERCISE OF AUTHORITY, AND
ACQUIESCENCE OF FOREIGN NATIONS NECESSARY TO BE REGARDED
HISTORICALLY AS LIBYAN INTERNAL OR TERRITORIAL WATERS.
THE UNITED STATES GOVERNMENT VIEWS THE LIBYAN ACTION AS
AN ATTEMPT TO APPROPRIATE A LARGE AREA OF THE HIGH SEAS

BY UNILATERAL ACTION, THEREBY ENCROACHING UPON THE LONG-ESTABLISHED PRINCIPLE OF FREEDOM OF THE SEAS. THIS ACTION IS PARTICULARLY UNFORTUNATE WHEN THE INTERNATIONAL COMMUNITY IS ENGAGED IN INTENSIVE EFFORTS TO OBTAIN BROAD INTERNATIONAL AGREEMENT ON LAW OF THE SEA ISSUES, INCLUDING THE NATURE AND EXTENT OF COASTAL STATE JURISDICTION. UNILATERAL ACTIONS OF THIS TYPE CAN ONLY HINDER THE PROCESS OF ACHIEVING AN ACCOMMODATION OF THE INTERESTS OF ALL NATIONS AT THE LAW OF THE SEA CONFERENCE.

4. QUOTE IN ACCORDANCE WITH THE POSITIONS STATED ABOVE, THE UNITED STATES GOVERNMENT RESERVES ITS RIGHTS AND THE RIGHTS OF ITS NATIONALS IN THE AREA OF THE GULF OF SIRTE AFFECTED BY THE ACTION OF THE GOVERNMENT OF LIBYA. END QUOTE.

5. ADDRESSEE EMBASSIES MAY INFORM HOST GOVERNMENTS OF SUBSTANCE OF USG REPLY AT YOUR DISCRETION.

6. FOR TRIPOLI: DEPT SEES NO NEED FOR YOU TO DUPLICATE DEPT'S ACTION BY SENDING PARALLEL NOTE TO LARG FOREIGN MINISTRY, BUT YOU ARE AUTHORIZED TO PROVIDE TEXT TO LARG SHOULD THEY REQUEST IT. KISSINGER

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30 JUN 2005

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TAGS: PBOR, LY, US
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